

Commission on EMS Bylaws

September 2010

The Commission on Emergency Medical Services (EMS) for the State of California was created in the Health and Welfare Agency effective January 1, 1981. The statutory base for the Commission is found in Chapter 1260, Section 1799 of the Health and Safety Code and its role as an appeal body for local EMS agency systems plans is found in Section 1797.105. The following constitutes the Rules of Procedure of the Commission:

PURPOSE AND REGULAR DUTIES

I. Regular Duties

Section 1799.50 through 1799.56 specifies:

The Commission shall review and approve regulations, standards, and guidelines to be developed by the authority to implement its emergency medical services responsibilities.

The Commission shall advise the Authority on the development of an emergency medical data collection system.

The Commission shall advise the Director concerning the assessment of emergency facilities and services.

The Commission shall advise the Director with regard to communications, medical equipment, training personnel, facilities and other components of an emergency medical services system.

Based upon evaluations of the EMS systems in the state and their coordination, the Commission shall make recommendations for further development and future directions of emergency medical services in the State.

The Commission shall review and comment upon the emergency medical services portion of the State Health Facilities and Service Plan developed pursuant to Section 437.7.

II. Appeal Functions

Section 1797.105 specifies that the EMS Authority shall receive plans for the implementation of EMS from local EMS agencies. Those local EMS agencies may implement a local plan developed pursuant to Section 1797.250 unless the authority determines such plan does not effectively

meet the needs of residents and is not consistent with coordinating activities in the geographical area served.

Section 1797.105 (c) and (d) specify that a local EMS agency may appeal a determination of the Authority to the Commission. In response to that appeal, the Commission may sustain the determination of the Authority or overrule and permit local implementation of a plan, and the decision of the Commission is final.

MEMBERSHIP

I. Membership Qualification and Appointment

Section 1799.2 specifies the Commission shall consist of 18 members appointed as follows:

- a. One full-time physician and surgeon, whose primary practice is emergency medicine, appointed by the Senate Rules Committee from a list of three names submitted by the California Chapter of the American College of Emergency Physicians.
- b. One physician and surgeon, who is a trauma surgeon, appointed by the Speaker of the Assembly from a list of three names submitted by the California Chapter of the American College of Surgeons.
- c. One physician and surgeon appointed by the Senate Rules Committee from a list of three names submitted by the California Medical Association.
- d. One county health officer appointed by the Governor from a lists of three names submitted by the California Conference of Local Health Officers.
- e. One registered nurse, who is currently or has been previously authorized as a mobile intensive care nurse and who is knowledgeable in state emergency medical services programs and issues, appointed by the Governor from a list of three names submitted by the Emergency Nurses Association.
- f. One full-time paramedic or EMT-II, who is not employed as a full-time peace officer, appointed by the Senate Rules Committee from a list of three names submitted by the California Rescue and Paramedic Association.
- g. One prehospital emergency medical service provider from the private sector, appointed by the Speaker of the Assembly from a list of three names submitted by the California Ambulance Association.

- h. One management member of an entity providing fire protection and prevention services appointed by the Governor from a list of three names submitted by the California Fire Chiefs Association.
- i. One physician and surgeon who is board eligible or board certified in the specialty of emergency medicine by the American Board of Emergency Medicine and who is knowledgeable in state emergency medical services programs and issues, appointed by the Speaker of the Assembly.
- j. One hospital administrator of a base station hospital who is appointed by the Governor from a list of three names submitted by the California Association of Hospitals and Health Systems.
- k. One full-time peace officer who is either an EMT-II or paramedic, who is appointed by the Governor from a list of three names submitted by the California Peace Officers Association.
- l. Two public members who have experience in local EMS policy issues, at least one of whom resides in a rural area as defined by the Authority, and who are appointed by the Governor.
- m. One administrator from a local EMS agency appointed by the Governor from a list of four names submitted by the Emergency Medical Services Administrators Association of California.
- n. One medical director of a local EMS agency who is an active member of the EMS Medical Directors Association of California, and who is appointed by the Governor.
- o. One person appointed by the Governor, who is an active member of the California State Firefighters Association
- p. One person who is employed by the Department of Forestry and Fire Protection (CAL-FIRE) appointed by the Governor from a list of three names submitted by the California Professional Firefighters.
- q. One person who is employed by a city, county, or special district that provides fire protection appointed by the Governor from a list of three names submitted by the California Professional Firefighters.

II. Membership Terms

Section 1799.4 of the Health and Safety Code describes the membership terms. Except as otherwise provided in Section 1799.4, the terms of the members of the commission shall be three calendar years, commencing January 1 of the year of appointment. No member shall serve more than two consecutive full terms.

III. Membership Compensation

Section 1799.6 specifies the members of the Commission shall receive no compensation for their services, but shall be reimbursed for their actual necessary travel and other expenses incurred in the discharge of their duties. All necessary expenses must be approved by the EMS Authority in accordance with State rules of reimbursement.

IV. Membership Vacancies

A position on the Commission of Emergency Medical Services shall be considered vacant and the appointing authority is to be informed if the Commissioner dies, resigns, or moves his/her permanent place of residence out of the State of California. Should a Commissioner conduct himself/herself in a manner grossly inappropriate to the position or absent himself/herself from two consecutive regular noticed meetings of the full Commission without prior notification of a justifiable reason or without permission of the Chairperson, then the Commission shall describe the facts and circumstances in its minutes or by special resolution and shall submit said minutes or special resolution to the Commissioner's appointment authority for appropriate action.

OFFICERS

I. Officers

The officers of the Commission on EMS shall consist of a Chairperson, Vice-chairperson and Secretary. The Chairperson and Vice-chairperson shall be elected by the Commission annually from its members by closed ballot at the first regular meeting of the calendar year. No member shall serve as Chairperson for more than two consecutive year terms. The Director of the EMS Authority shall hold the office of Secretary and may participate in Commission and committee meetings but has no vote. The officers shall serve for the calendar year of election.

II. Office Vacancies

In the event of an officer or Administrative Committee member vacancy prior to the end of the calendar year, the Chairperson shall open nominations and hold an election to fill the vacancy at the next scheduled meeting following the vacancy. Election to a vacant office seat shall be by written ballot requiring a majority vote of ballots cast by the membership.

III. Duties of Chairperson and Vice-Chairperson

The Chairperson shall preside at the Commission meetings; the Vice-chairperson shall function in the Chairperson's absence.

The Chairperson and Vice-chairperson shall be entitled to vote, make and second motions, and may serve on committees.

The Chairperson shall create committees as recommended by the Commission. The charge of the committee and its duration shall be designated at the time of its creation. The Chairperson may create ad hoc committees as deemed appropriate to study and recommend action on specific topics.

The Chairperson shall make all committee appointments and shall appoint the chairperson for each committee.

The Chairperson, upon the advice of the Administrative Committee, prepares the agenda for upcoming Commission meetings. The Director or any members of the Commission may add items to that agenda.

The Chairperson will assign business to the committees with the advice of the Administrative Committee.

The Chairperson or his/her designee may represent the Commission at legislative hearings, in public meetings, in press interviews and other public situations within the limits of established Commission policy or subject to confirmation at the subsequent regular Commission meeting.

The Chairperson shall annually appoint a committee to address System Platform Principles adopted by the EMS Commission. This committee shall submit their recommendations to the Commission.

IV. Duties of the Secretary

The Secretary shall cause to be taken minutes which accurately reflect business conducted at Commission meetings. Approved minutes are public record. The Secretary will be responsible for providing notification of meetings to Commission members and others as specified below and for making materials available for inspection as specified.

In the absence of the Chairperson and Vice-chairperson, the Secretary shall convene the meeting of the Commission whose first act of business will be the election of a temporary chairperson from among its members.

ADMINISTRATIVE COMMITTEE

I. Administrative Committee Membership

The Administrative Committee shall consist of the Chairperson, Vice-chairperson, Secretary, immediate Past Chairperson of the Commission on EMS and two other members of the Commission elected annually by the closed ballot at the first regular meeting of the calendar year. The

members of the Administrative Committee shall serve for the calendar year following election.”

II. Duties of the Administrative Committee

The Administrative Committee is advisory to the Chairperson and the Commission on administrative matters. Their deliberations will include, but not be restricted to, prioritizing agenda items, organizing reports, advising the chair on committee appointments and business assignments and assisting in development of interim positions of the Commission on urgent matters where Commission policy is unclear and an emergency meeting of the Commission seems unwarranted. The Administrative Committee may recommend the format in which agenda items are to be presented to the Commission.

MEETINGS

I. Regular Meetings

Section 1799.8 specifies that the Commission shall meet at least quarterly on the call of the Director, Chairperson, or three or more members of the Commission.

The Commission meeting dates will be set at the last meeting of the year for the next calendar year. All meetings of the Commission will be open with the exception of private or executive sessions permitted under Government Code. Notice of all regular meetings of the Commission and an agenda of such meetings enumerating the items to be considered at the meeting shall be mailed to each commissioner at least seven days before the day on which the regular meeting of the Commission is scheduled. The agenda shall include the items of business to be transacted. Items for discussion may be added at each meeting. No action item shall be added to the agenda unless a statement is included setting forth the emergency condition as provided below.

II. Notification of Meetings

Notice of Commission meetings, including the agenda, date and place of the meeting and the name, address, and telephone number to receive inquiries prior to this meeting shall be given at least one week in advance of such meeting to any person who requests such notice in writing. A person may request and be provided notice for all meetings of the Commission or may limit his request to notice for a specific meeting or meetings. Any mailing list maintained pursuant to this rule will be subject to annual correction as provided in Government Code Section 14911.

III. Emergency Meetings

Emergency meetings of the Commission may be called at any time by the Chairperson, the Director of the EMS Authority, or by a majority of the Commission when such a meeting is necessary to discuss an emergency condition as defined below. In the event such an emergency meeting is called, notice stating the general agenda item(s) will be sent to those members entitled to vote and to those non-members who have requested such notice by such means as the Secretary deems appropriate.

IV. Emergency Condition

An emergency condition shall be defined as:

- a. Any condition requiring any action by the Commission because of a disaster involving mobilization of State disaster medical resources or other activities requiring the Commission's input to statewide mobilization.
- b. Any condition requiring any action by the Commission because of the action or requirement of Congress or of the Legislature of the State of California, or because of any act, rule or regulation promulgated by any public body which has an effect upon the state EMS system or any activity under the jurisdiction of the Commission.
- c. Any condition requiring any action by the Commission caused by any court action brought in State or Federal Court which has an effect upon the EMS system or any activity under the jurisdiction of the Commission.
- d. Any other condition, which in the opinion of the Director, Chairperson, or a majority of the Commission could seriously affect the health and safety of the people of California if not acted upon by the Commission.

V. Public Inspection of Material

Documents which are public records and which are distributed prior to commencement of a public meeting shall be made available at the Office of the Director for public inspection upon request prior to commencement of such meeting. If said material is distributed during a public meeting, it shall be made available for public inspection immediately or as soon as is practicable. The Authority, at the discretion of the Director, may charge a fee for a copy of any public records.

VI. Quorum

A majority of the appointed membership of the Commission or subcommittees shall constitute a quorum.

VII. Voting

Each member entitled to vote shall be entitled to cast one vote for each matter submitted to a vote of the members.

If a quorum is present, all questions shall be decided by a majority of those members present. Voting may not take place without a quorum present.

No member shall be permitted to vote by proxy.

VIII. Conflict of Interest

Commissioners must disqualify themselves from making or participating in the making of any decision when the Commissioner has a financial interest (as defined in Section 87103) which it is reasonably feasible may be affected materially by the decision. No Commissioner, however, shall be required to disqualify himself with respect to any matter which could not legally be acted upon without his/her participation. If such is the case (i.e., tie-breaking vote), the Commissioner should declare in the minutes a potential conflict of interest and then discharge his duty as a Commissioner in casting a vote.

IX. Guests

Guests at Commission meetings may be allowed to participate in the discussion at the discretion of the Chairperson of the Commission. Guests addressing the Commission should identify themselves by name and organization prior to speaking on an issue.

COMMITTEES

I. Committees of the Commission

Committees of the Commission will meet as the business of the committee and budget dictate. Committee meetings may be called by the Chairperson of the Commission or of the committee. All committees are advisory to the full Commission and any action of the committees shall be referred to the commission for affirmation.

Minutes of committee meetings are responsibility of the chairperson of that committee or his/her designee. Committee minutes become public record when adopted by the full Commission.

II. Consent Calendar

Any member of the Commission may pull any item from the consent calendar. All consent items must be accompanied by a description of the issue including the committee's recommendation. Except in emergency

conditions, this description must be available for public inspection prior to the meeting of the Commission. Guests may address the Commission with regard to any item on the consent calendar.

All recommendations receiving a unanimous vote by a committee shall be referred to the Commission on a consent calendar.

CODE OF PARLIAMENTARY PROCEDURE

Sturgis Standard Code of Parliamentary Procedure shall prevail in all instances not covered by the above rules.